

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EUGENE DUNCAN,

**MOTION FOR DEFAULT  
JUDGMENT**

Plaintiff,

-against-

*Civil Action No.:*  
1:19-cv-03582-JPO

METAMORPHOSIS DAY SPA, INC.,

Defendants.

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Upon the affirmation of Bradly G. Marks, Esq. Plaintiff moves this court for a judgment by default in this action, and shows that the complaint in the above case was filed in this court on April 23, 2019; the summons and complaint was duly served on the Defendant Metamorphosis Day Spa, Inc. through the secretary of state on May 17, 2019; no answer or other defense has been filed by the Defendant; a certificate of default was entered in the civil docket in the office of this clerk on August 16, 2019; Defendant is not in military service and is not an infant or incompetent as appears in the affirmation of Bradly G. Marks submitted herewith.

Wherefore, Plaintiff moves that this Court enter a judgment as follows:

1. The Defendant is to take all steps necessary to make its Website into full compliance with the requirements set forth in the ADA and WCAG 2.0 AA guidelines, and its implementing regulations, so that the Website is readily accessible to and usable by individuals who are visually impaired.

2. That the Plaintiff be awarded five hundred dollars (\$500) in compensatory damages based on the Defendant's violation of the New York City Human Rights Law and the New York State Human Rights law.
3. That the Defendant is to comply with the terms of the Final Judgment within sixty (60) days of the entry of judgment.
4. That this Honorable Court retain jurisdiction relating to the Plaintiff's attorneys' fees and said motion shall be filed within ninety (90) days of entry of this Final Judgment.
5. For such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
October 13, 2020

THE MARKS LAW FIRM

By: 

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